

May 4, 1939

Mr. Edward W. Bentley  
568 North Third East  
Provo, Utah

Dear Sir:

I have your letter of May 1 in which inquiry is made concerning a filing made by Edward Bentley of Parowan, Utah on high water of a certain stream in what is known as the South Field near Parowan.

The index of applicants in this office shows no filing to have been made by Edward Bentley. This does not necessarily mean that no water right has been acquired. If continuous use of the water antedates March 12, 1903, a right has been established and is valid although there may be no record of it in the State Engineer's office or elsewhere.

The question of right of way for conveyance of water is strictly a legal matter over which the State Engineer has no jurisdiction. It would appear to me, however, that where water is diverted for 35 years or more through certain channels, a right has been established to continue such diversion.

Engineers from this office will be in Iron county in the near future, probably on Monday, May 8, and if time will permit they will attempt to contact either you or your hired man relative to this matter.

Yours very truly,

T. H. Humphreys,  
STATE ENGINEER.

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